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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PARIESA L. DURANT  
716 East Upsal Street  
Philadelphia, PA 19121

vs.

AMTRAK c/o NATIONAL RAILROAD PASSENGER  
CORPORATION  
60 Massachusetts Avenue, N.E.  
Washington, D.C. 20002

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: Docket No. 15 - 01364  
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**FILED**

MAY - 8 2015

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**COMPLAINT IN CIVIL ACTION**

1. Plaintiff, Pariesa L. Durant, is an individual who is a citizen of the Commonwealth of Pennsylvania, residing at 716 East Upsal Street, Philadelphia, PA 19119.

2. Defendant, Amtrak c/o National Railroad Passenger Corporation (hereinafter referred to as "Amtrak") is a corporation duly organized and existing under the laws of the District of Columbia, maintaining offices at 60 Massachusetts Avenue N.W., Washington, D.C. 20002.

3. Defendant, Amtrak, at all times relevant hereto, was a common carrier engaged in the business of carrying passengers for hire and for the sole purpose of its business owned, operated, managed and controlled certain trains which were run over and upon certain rail lines.

4. On or about March 6, 2013, at approximately 4:30 o'clock p.m., while plaintiff, Pariesa L. Durant, was a passenger on an Amtrak train from Philadelphia, PA, to Atlanta, GA, traveling in Virginia, she suffered food poisoning (gastroenteritis) after eating pizza she had purchased on the defendant train. When plaintiff went to the restroom on the said train, violently

vomiting and suffering from diarrhea, she was caused to faint and she fell onto the floor, causing plaintiff, Pariesa L. Durant, serious and permanent bodily injuries more fully set forth herein below.

5. The accident aforementioned was caused solely by the negligence of the defendant, Amtrak, its agents, servants, workmen and/or employees, and was due in no manner whatsoever to any act or failure to act on the part of plaintiff, Pariesa L. Durant.

6. The aforesaid accident was caused by the recklessness, carelessness and negligence of the defendant, Amtrak, by and through its agents, servants, workmen and/or employees, and consisted of the following:

- (a) Failing to maintain the train in a safe condition, free from defects which might cause injuries to persons who were passengers on the said train;
- (b) Allowing a hazardous and dangerous condition to exist upon the said train;
- (c) Failing to warn plaintiff of the said hazardous and dangerous condition;
- (d) Failing to remove and/or repair the said hazardous and dangerous condition;
- (e) Otherwise failing to exercise due care under the circumstances.

7. Defendant, Amtrak, had or should have had knowledge and/or notice of the existence of said hazardous and dangerous condition which existed on the date of the accident and for some time prior thereto.

8. As a result of the said incident, plaintiff, Pariesa L. Durant, sustained severe injuries to her head, body, limbs and internal organs, more particularly she did suffer: food poisoning/ gastroenteritis; post-concussion syndrome; cervical strain and sprain; dorsal strain and sprain; lumbosacral strain and sprain; with involvement of the surrounding muscles, ligaments, tendons, nerves, blood vessels and soft parts and with resultant pain, deformity and disability of the

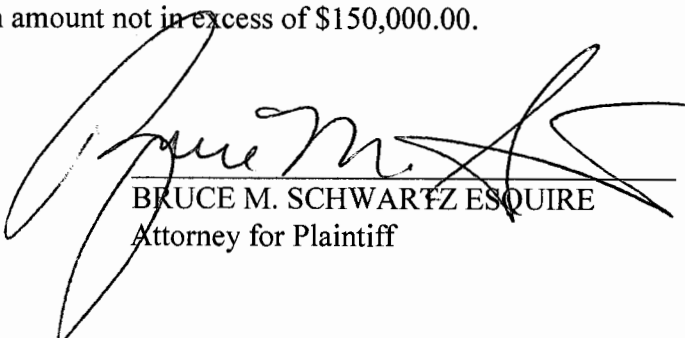
aforementioned parts; multiple bruises and abrasions; and a severe shock to her nerves and nervous system, some or all of which plaintiff has been advised are or may be permanent in nature.

9. As a further result of the said accident, plaintiff, Pariesa L. Durant, has undergone great physical pain, suffering and mental anguish and will continue to suffer same for an indefinite time in the future, to her great detriment and loss.

10. As a further result of the said accident, plaintiff, Pariesa L. Durant, has been unable to attend to her daily duties and occupations, and she will be unable to attend to same for an indefinite time in the future, to her great detriment and loss. In addition, said plaintiff has or may suffer a severe loss of her earnings and impairment of her earning capacity and power, to her great financial detriment and loss.

11. As a further result of the said accident, plaintiff, Pariesa L. Durant, has been and will be forced to receive and undergo medical attention and care and to expend various sums of money and to incur expenses for the said care, to her great financial detriment and loss.

WHEREFORE, plaintiff, Pariesa L. Durant, demands judgment against defendant, Amtrak c/o National Railroad Passenger Corporation, in an amount not in excess of \$150,000.00.



BRUCE M. SCHWARTZ ESQUIRE  
Attorney for Plaintiff

VERIFICATION

Pariesa L. Durant hereby states that she is Plaintiff herein and verifies that the foregoing averments are true and correct to the best of her knowledge, information and belief. She understands that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

4/28/15  
DATE

x Pariesa Durant  
PARIESA L. DURANT